

ALABAMA - COOSA - TALLAPOOSA
AND APALACHICOLA-CHATTA-
HOOCHEE-FLINT RIVER BASIN
COMPACTS

Mr. SESSIONS. Mr. President, I would like to take this opportunity to express my gratitude today for the cooperation of my colleagues, and in particular my good friend and home State colleague, Senator RICHARD SHELBY, as well as colleagues from Florida and Georgia and the chairman of the Judiciary Committee, Senator ORRIN HATCH, and the chairman of the Constitution Subcommittee, Senator JOHN ASHCROFT, for their expedited consideration of the Alabama-Coosa-Tallapoosa and Apalachicola-Chattahoochee-Flint River basin compacts that passed the Senate today.

Our citizens in Alabama and the Southeast region have many benefits from an outstanding environment and a generous water supply. But population increases have made water resources extremely valuable. The water compacts passed today by the Senate are the first step in allowing the three States of Alabama, Georgia, and Florida to enter into legal, acceptable agreements which will ensure the water resources of the region are divided in a responsible and equitable way, which protects the environment and ensures a reliable supply of water for drinking, agriculture, and recreation.

Passage of these water compacts is the result of nearly 20 years of work between the States of Alabama, Florida, and Georgia. Today's action represents only the initial step in a challenging process which must ultimately be carried through by these States. The water compacts themselves do not contain the formula for actually dividing the water resources, but serve only to grant permission to the States to create a formula themselves. Without the water compacts, it is likely my home State of Alabama, along with Georgia and Florida, would be forced into Federal court for protracted litigation to determine an equitable way to divide these resources. The action taken today will allow our States to enter into thoughtful negotiations rather than wasteful litigation to determine a permanent solution to our region's water resource problems.

Mr. President, no remarks on this action by me today would be complete without my mentioning the work of Alabama Gov. Fob James and State Representative Richard Laird, who have worked tirelessly toward this end. Governor James has personally given his attention to the matter, and negotiations have been ongoing, as I have noted, for many years. Representative Laird has been very active in this entire process and has been the main spokesman for Alabama's effort for over 3 years. As a former attorney general in the State of Alabama and one who was involved in these activities, I know firsthand the personal commitment that Representative Laird has given to this effort.

I also want to take this opportunity to recognize Mr. Craig Kneisel, the chief of the environmental section of the Alabama Attorney General's office. Craig Kneisel has been the chief of that environmental office since its founding around 20 years ago. He has given leadership and legal advice to this effort that has reached a good conclusion today.

So we have made a major step toward making an equitable resolution of the water problems of these States, but we have to keep on going. There is no doubt that, as our population increases, as our economy grows, there will be greater and greater stress on these wonderful environmental resources. We must protect them and at the same time must make sure that economic growth is facilitated by having a healthy environmental resource such as these two river basins.

Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I thank the Chair.

Mr. President, are we in morning business?

The PRESIDING OFFICER. Morning business has just concluded.

Mr. KERREY. It is only 20 to 6.

The PRESIDING OFFICER. It is morning somewhere.

Mr. KERREY. Mr. President, I ask unanimous consent that I be allowed to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERREY. I thank the Chair.

DRUG CZAR BARRY MCCAFFREY
AND THE DRUG WAR

Mr. KERREY. Mr. President, 2 years ago Senator SHELBY, the distinguished Senator from Alabama, and I were managing the Treasury-Postal appropriations bill on the floor at about this time of the year, I believe.

And one of the actions that we had taken in our bill was to zero out the drug czar's office. And the reason that we had done that was that we were quite unhappy with the progress and the performance and, especially, the effort made to interdict and the effort here at home to try to get young people to quit consuming drugs.

We were persuaded at the end of the day, Senator HATCH, Senator BIDEN, and the President himself, saying that they were going to make some substantial changes.

Change No. 1 that they made was to bring on Barry McCaffrey, a retired Army general. I do not know how they talked him into it. Somehow they managed to talk him into coming back and being the drug czar.

Yesterday, Mr. President, Barry McCaffrey sent a letter to the Secretary of Defense. Among other things he has done over the past couple years, this justifies both the President's confidence in him and Senator SHELBY's and my confidence that action would occur.

General McCaffrey sent Secretary Cohen, Secretary of Defense, a letter on the 6th of November saying essentially that:

The National Narcotics Leadership Act requires that the Office of National Drug Control Policy review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For [fiscal year] 1999, the Department of Defense has requested \$809 million for drug control programs, approximately the same level as FY 1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. . . . that this budget cannot be certified.

Mr. President, this is a gutsy move. As you know, as everybody around this town very long knows, to send the Department of Defense a letter saying, "We're not going to certify that your budget is adequate to accomplish the strategy that we have all approved in terms of fighting drugs in America," is a rather substantially gutsy move. And I support it 100 percent.

Perhaps Secretary Cohen will have a response to it. I have a great deal of respect for Secretary Cohen as well. Perhaps he will be able to come back and give a justification as to why the additional money for the Andean Coca Reduction Initiative, for the Mexican Initiative, for the Caribbean Violent Crime and Regional Interdiction Initiative, and for the National Guard Counterdrug Operations are fully funded at the \$809 million level.

My guess is, he will not. My guess is that General McCaffrey has done his homework and analyzed it well and understands what the drug policy is supposed to accomplish. And he understands that as drug czar he has authority.

In the past, drug czars have not exercised that authority quite as willingly. Barry McCaffrey did. And I hope this Congress supports him. All of us, when we are home, we will have townhall meetings. And if the subject of drugs comes up of, what are we doing? people say to me, "At least I hear you say it's a war on drugs. Describe the nature of the war we're fighting. Are we winning it? Are we losing it? What kind of resources are we putting into it?" I say, "We've got a drug czar. We've got a drug strategy. And we're implementing that drug strategy. We're not going to hold anything back in order to be successful."

What General McCaffrey has done is he has called upon the Department of Defense to do just that. As I said, I have not seen Secretary Cohen's response to this letter. I am here this evening just to applaud the drug czar for having the courage that previously drug czars have been a little reluctant to show. And if it is shown that these

additional resources are needed in order to be able to answer the question at home in townhall meetings in Nebraska that that is what is needed to get the job done, then I hope the Congress will provide the Department of Defense with the resources and insist that the Department of Defense allocate in 1999 the resources in order to be able to get it done.

I have not read all of them, the three- or four- or five-part series in the Washington Post on the problem of drugs coming across the border—so-called. There is not much of a border between the United States and Mexico. It is over 2,000 miles. And from what I have seen down there, there is not much to let you know when you are in Mexico or in the United States. And there is a tremendous amount of truck and automobile traffic and an awful lot of resources and money behind the effort to get drugs into the United States.

It is corrupting Mexico, making it difficult for them to operate—an extremely violent world. And in this morning's paper, there is a story about Mr. Fuentes' doctors, three of whom were held responsible for his death, apparently, giving him a facelift or something so he would look a little different. They were found in concrete canisters along a road in Mexico.

These guys play for keeps. From their standpoint, it is a war. From their standpoint, they are deploying the maximum amount of resources, their considerable amount of wealth and resources.

Barry McCaffrey, a first-rate military officer, now our drug czar, when he says to me, "We need additional resources in order to be successful in these four areas," I pay attention to him. And I applaud his willingness to be able to come to the Department of Defense and to this Congress and say, "This is what we need to do in order to be successful."

Mr. President, I ask unanimous consent that three documents be printed in the RECORD: One is the letter of November 6 that General McCaffrey sent to Secretary Cohen, and another is the document that indicates the additional resources that are needed, and the third is the "Legal Authority to De-Certify Agency Budgets."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,

Washington, DC, November 6, 1997.

Hon. WILLIAM S. COHEN,

Secretary of Defense, Department of Defense, The Pentagon, Washington, DC.

DEAR SECRETARY COHEN: The National Narcotics Leadership Act requires that the Office of National Drug Control Policy (ONDCP) review the drug budget of each department and certify whether the amount requested is adequate to implement the drug control program of the President. For FY 1999, the Department of Defense (DoD) has requested \$809 million for drug control programs, approximately the same level as FY

1998. After careful review, ONDCP has determined pursuant to 21 U.S.C. §1502(c)(3)(B) that this budget cannot be certified.

To correct the deficiencies in the current FY 1999 proposal, DoD needs to amend its FY 1999 budget to include an additional \$141 million in drug control initiatives, which will enhance operations in the Andes, Mexico, the Caribbean, and along our borders. Details associated with these amendments are highlighted in the enclosed document. Under 21 U.S.C. §1502(c)(5), DoD is required to include this additional funding in its FY 1999 submission to the Office of Management and Budget.

The support of the Department of Defense (DoD) is critical to achieving the goals of the National Drug Control Strategy. Appreciate your leadership of DoD's important counterdrug programs. The outstanding success of these missions in a credit to the dedicated men and women of our armed forces. Working together, the Executive Branch can structure a drug control budget which will reduce drug use and its consequences in America. Look forward to receiving the Department's amended FY 1999 budget proposal. Your support on this issue, which is so vital to our Nation's security and the health of our young people, is critical.

Respectfully,

BARRY R. MCCAFFREY,

Director.

FY 1999 DRUG CONTROL BUDGET AMENDMENTS DEPARTMENT OF DEFENSE (AS REQUIRED BY 21 U.S.C. §1502(c)(5))

Andean Coca Reduction Initiative (+\$75 million). This initiative incorporates enforcement and interdiction measures that will disrupt the cocaine export industry. These efforts will include support for host nation programs to interdict the flow of coca base and cocaine in source countries, as well as expanded support to Peruvian and Colombian riverine interdiction programs.

Mexican Initiative (+\$24 million). This proposal will provide additional resources to reduce the flow of illicit drugs from Mexico into the United States and disrupt and dismantle criminal organizations engaging in drug trafficking and money laundering. This effort will help implement the Declaration of the Mexican-U.S. Alliance Against Drugs signed by President Zedillo and President Clinton on May 6, 1997. It will expand U.S. operational support to detection and monitoring missions in Mexican airspace and territorial seas, establish a joint law enforcement investigative capability in the Bilateral Border Task Forces, and aid the Mexican Government in developing a self-sustaining interdiction capability.

Caribbean Violent Crime and Regional Interdiction Initiative (+\$12 million). This effort will target drug trafficking-related criminal activities and violence in the Caribbean Region, including South Florida, Puerto Rico, the U.S. Virgin Islands, and the independent states and territories of the Eastern Caribbean. This will implement commitments made by the President during the Caribbean Summit held in Barbados.

National Guard Counterdrug Operations (+\$30 million). These funds will partially restore reductions incurred since FY 1993 in State Plans funding, which includes support for counterdrug activities along the border.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF NATIONAL DRUG CONTROL POLICY,

Washington, DC, November 6, 1997.

Memorandum for Director

Through: Chief of Staff

From: Charles Blanchard, Director, Office of Legal Counsel

LEGAL AUTHORITY TO DE-CERTIFY AGENCY BUDGETS

At your request, both General Counsel Judith Leonard and I independently reviewed ONDCP's statutes to determine our authority to certify national drug control agency budget.

It is our firm and considered legal opinion that the statute gives you two specific powers:

(1) The power to "certify in writing as to the adequacy of such [agency budget] request in whole or in part . . . and [should a budget not be certified] . . . include in the certification an initiative or funding level that would make this request adequate." [21 U.S.C. §1502(c)(3)(B)]; and

(2) The power to "request the head of a department or agency to include in the department's or agency's budget submission [to OMB] funding requests for specific initiatives that are consistent with the President's priorities for the National Drug Control Strategy" [21 U.S.C. §1502(c)(5)].

Most importantly, the statute makes quite clear that "the department or agency shall comply with such a [ONDCP] request." [21 U.S.C. §1502(c)(5)] In our view, this power to order an agency to place specific initiatives in the budget request is the most important power.

We have reviewed the proposed letter to the Secretary of Defense, and believe that it is fully consistent with this statute.

Mr. KERREY. I yield the floor.

Mr. BURNS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

EXTENSION OF MORNING BUSINESS

Mr. BURNS. Mr. President, I ask unanimous consent that the hour for morning business be continued until 6:30 p.m., this date, with Senators able to speak therein for up to 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. BURNS. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR

Mr. ROTH. Mr. President, I ask unanimous consent my staffer, Bob Nickel, be permitted to be on the floor during this speech.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE SENATE FOR ADDRESSING NATO ENLARGEMENT

Mr. ROTH. Mr. President, I wish to address the great efforts that this